

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:04-cr-58; 3:04-cr-59

UNITED STATES OF AMERICA,

Vs.

SAMUEL PAUL CROOK,

Defendant.

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ORDER

**THIS MATTER** is before the court on defendant's *pro se* Motion to Grant a New Trial and/or Dismiss Charges, filed in each of the above-captioned matters. In a previous Order (#151) disposing of other *pro se* motions by defendant, the court noted that defendant is still represented by counsel, as an attorney was previously appointed by the court on defendant's behalf. On this basis, the court dismissed defendant's motions, as the Local Criminal Rules prohibit *pro se* pleadings where defendant is represented by counsel. LCrR 47.1(g); see also U.S. v. Carranza, 645 F. App'x 297, 300 (4<sup>th</sup> Cir. 2016) ("A criminal defendant has no statutory or constitutional right to proceed *pro se* while simultaneously being represented by counsel" and "[a]ccordingly, the district court was not obligated to consider [the defendant's] *pro se* motions").

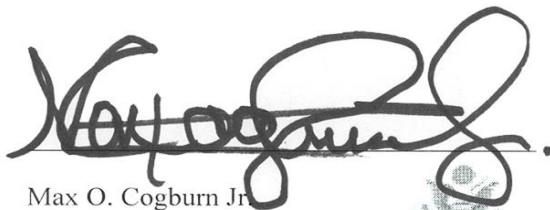
On a related note, defendant expresses a desire to end his representation with his counsel of record and proceed entirely *pro se* in the instant motion. The court declines to terminate defendant's court-appointed counsel at this time; based on defendant's long history of "numerous nonsensical *pro se* motions," such counsel is needed for defendant to communicate effectively with the court and to prevent any further disruptions in this matter. See U.S. v. Brunson, 482 F.

App'x 811, 817-18 (4<sup>th</sup> Cir. 2012). Instead, the court encourages defendant to be in frequent communication with his counsel instead of this court. Having thus considered defendant's motion, the court issues the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's *pro se* Motion to Grant a New Trial and/or Dismiss Charges (##121, 152) is **DENIED**. The clerk of court is respectfully instructed to enter this Order in both of the above-captioned matters.

Signed: April 2, 2018



Max O. Cogburn Jr.  
United States District Judge